

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Core Communications, Inc.)	WC Docket No. 03-171
Petition for Forbearance under)	
47 U.S.C. Section 160(c) from)	
Application of the ISP Remand)	
Order)	

**COMMENTS ON CORE'S REQUEST FOR A DETERMINATION
AS TO WHETHER ITS FORBEARANCE PETITION WAS CONCLUSIVELY
"DEEMED GRANTED" BY OPERATION OF 47 U.S.C § 160(c)**

Qwest Corporation ("Qwest") hereby responds to Core Communications, Inc.'s Request for a Determination in Pending Reconsideration Proceeding as to Whether Core's Forbearance Petition Was Conclusively "Deemed Granted" by Operation of 47 U.S.C. § 160(c), filed herein on January 9, 2007.

In its Request, Core Communications, Inc. ("Core") seeks to have the Federal Communications Commission ("Commission") rule that Core's 2003 Petition for Forbearance from several aspects of the Commission's rules regarding "reciprocal compensation" as applied to Information Service Providers ("ISPs") situated behind competitive local exchange carriers should have been granted as a matter of law. Core had already made this claim at the D.C. Circuit Court of Appeals, only to have it rejected on procedural grounds because Core had not raised the issue before the Commission.¹ Core claims that its case is still open before the Commission because of the pendency of a conditional petition for reconsideration in the Core

¹ *In re Core Communications, Inc.*, 455 F.3d 267 (D.C. Cir. 2006), *pet. for reh'g and reh'g en banc denied*, Order and Statement (*per curiam*), 2006 U.S. App. LEXIS 25686 (D.C. Cir., Oct. 13, 2006).

forbearance docket. Qwest's conditional petition was predicated on the possibility that Core's argument that its application for forbearance had been granted by operation of law might be accepted. To guard against the possibility that such a decision might leave Qwest without appellate options, Qwest filed a conditional petition for reconsideration of the putative grant of the Core Petition. Qwest never requested that the Commission consider Core's ultimate argument that the Petition had in fact been granted. Instead Qwest simply requested that, if it were to subsequently be found that the Petition had indeed been granted, that grant be reconsidered.

Now that the Core litigation is over, Qwest has withdrawn its conditional petition.

Qwest certainly has no objection to the Commission addressing the meaning of the "deemed granted" language of Section 10(c) of the Act in an appropriate proceeding. This, however, is not such a proceeding. The decision in the Core case is final; there is no longer any matter before the Commission or the courts. Any action by the Commission to interpret Section 10(c) will have no affect on Core or its Petition.

Accordingly, the Core Request should be denied.

Respectfully submitted,

QWEST CORPORATION

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January 24, 2007

CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that I have caused the foregoing **COMMENTS ON CORE'S REQUEST FOR A DETERMINATION AS TO WHETHER ITS FORBEARANCE PETITION WAS CONCLUSIVELY "DEEMED GRANTED" BY OPERATION OF 47 U.S.C § 160(c)** to be 1) filed with the FCC, via its Electronic Comment Filing System in WC Docket No. 03-171, 2) served, via email on the FCC's duplicating contractor, Best Copy and Printing, Inc. at fcc@bcpiweb.com and 3) served via First Class United States Mail, postage prepaid, on the parties listed on the attached service list.

/s/ Ross Dino

January 24, 2007

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